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STATUS ON IRAQ

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A REPORT ON THE STATUS OF EFFORTS TO OBTAIN IRAQ'S COMPLIANCE WITH THE RESOLUTIONS ADOPTED BY THE U.N. SECURITY COUNCIL, PURSUANT TO PUB. L. 102-2, SEC. 3 (105 STAT. 4)



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THE WHITE HOUSE,
Washington, May 17, 1995.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Consistent with the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102-1), and as part of my effort to keep the Congress fully informed, I am reporting on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council.

Since its recognition of Kuwait last November, Iraq has done little to comply with its numerous remaining obligations under Council resolutions. At its bimonthly review of Iraq sanctions in March, the Security Council voted unanimously to maintain the sanctions regime on Iraq without change. We shall continue to insist that the sanctions be maintained until Iraq complies with all relevant provisions of U.N. Security Council resolutions. Ambassador Albright's trip to several Security Council capitals in late February solidified the support of a majority of Council members for the U.S. position.

According to the April report to the Council by UNSCOM Chairman Ekeus, Iraq remains out of compliance with its obligations regarding weapons on mass destruction (WMD). While UNSCOM reports that the elements of its regime to monitor Iraq's capability to produce weapons of mass destruction are in place, continued Iraq failure to provide complete information about its past weapons programs means UNSCOM cannot be assured that its monitoring regime is comprehensive. Of greatest concern is Iraq's refusal to account for 17 tons of biological growth media which could be used to produce biological weapons. According to UNSCOM "** * * the only conclusion that can be drawn is that there is a high risk that they (the media) had been purchased and in part used for proscribed purposes—the production of agents for biological weapons." Iraq disingenuously continues to claim that it has never had a biological weapons program.

At the same time, the International Atomic Energy Agency (IAEA), continues to investigate reports that Iraq has restarted its nuclear weapons program. According to press reports, a dissident Iraqi nuclear scientist passed documents to the IAEA which suggest Iraqi has restarted its prohibited research into nuclear weapons production. This information is very preliminary; the IAEA's investigation continues.

In addition to failing to comply with the WMO provisions of Security Council resolutions, the regime remains in violation of numerous other Security Council requirements. The regime has failed to be forthcoming with information on hundreds of Kuwaitis and third-country nationals missing since the Iraqi occupation. As I previously reported, the Kuwaiti government submitted to the Sec-

retary General a list of the military equipment looted from Kuwait during the war. Iraqi has still not taken steps to return this or other Kuwaiti property stolen during the occupation, with the exception of one Kuwaiti C-130 and a small number of military vehicles, all in derelict condition. Ambassador Albright has presented to the Council evidence acquired during Iraq's troop movements last October that proves that hundreds of pieces of Kuwaiti military hardware remain in the arsenals of Saddam Hussein's Republican Guard.

The Council on April 14 unanimously adopted Resolution 986, an effective means to provide relief for the hardship that ordinary Iraqis are suffering as a result of Saddam's failure to comply with Council requirements. The resolution was a collaborative effort of a number of Council members, including co-sponsors Oman, Argentina, Great Britain, Rwanda and the U.S. all of whom share a deep concern for the humanitarian situation in Iraq. Resolution 986 addresses all arguments made previously by the Government of Iraq to justify its failure to implement Security Council Resolutions 706/712, an earlier proposal to permit Iraq to sell oil to purchase humanitarian goods. Saddam Hussein's government immediately denounced the new Resolution and the rubber-stamp Iraqi National Assembly rejected it by unanimous vote on April 25.

The sanctions regime does not prevent the shipment of food or medicine to Iraq. However, Saddam has chosen to squander Iraq's resources on his repressive security apparatus and personal palaces, while using the suffering of ordinary Iraqis as a propaganda tool to press for the lifting of sanctions. Resolution 986 undermines his self-serving excuses for neglecting the legitimate needs of the Iraqi people.

The no-fly zones over northern and southern Iraq continue to deter Iraq from using its aircraft against its population. However, the Iraqi government persists in its brutal campaign against its perceived enemies throughout the country. Iraqi forces periodically shell villages in the south and north with artillery. In the south, Iraq's repression of the Shi'a population, and specifically the Marsh Arabs, continues, as does a policy of deliberate environmental devastation. The threat to the traditional way of life of Iraqis Marsh Arabs remains critical. In the last few years, the population of the marsh region has fallen sharply as Iraqi military operations have forcibly dispersed residents to other areas and thousands of Shi'a refugees have sought refuge in Iran.

The Special Rapporteur of the U.N. Commission on Human Rights (UNHRC), Max van der Stoep, continues to report on the human rights situation in Iraq, including the Iraqi military's repression against civilian populations. His work has also reported on the phenomena of political killings, mass executions, and state-sponsored terrorism. Clearly, the Government of Iraq has not complied with the provisions of UNSC Resolution 688 demanding that it cease repression of its own people.

The Special Rapporteur has asserted that the Government of Iraq has engaged in war crimes and crimes against humanity, and may have committed violations of the 1948 Genocide Convention. The Special Rapporteur continues to call on the Government of Iraq to permit the stationing of human rights monitors inside Iraq

to improve the flow of information and to provide independent verification of reports of human rights abuses. We continue to support Mr. van der Stoep's work and his call for monitors.

Bagdad's attempts to violate the U.N. sanctions continue unabated. Since October 1994, 12 maritime vessels have been intercepted and diverted to Gulf ports for attempting to smuggle commodities from Iraq in violation of sanctions. Gulf states have cooperated with the Multinational Interception Force in accepting diverted ships and in taking action against cargoes in accordance with relevant U.N. Security Council resolutions, including Resolutions 665 and 778.

For more than three years, the story has not changed; the Bagdad regime flouts the sanctions, demonstrates disdain for the United Nations and engages in actions that we believe constitute continuing violations of Security Council Resolutions 686, 687 and 688.

We are monitoring closely the plight of the civilian population throughout Iraq. Our bilateral assistance program in the north will continue, to the extent possible. We also will continue to make every effort, given the practical constraints, to assist the populations in southern and central Iraq through support for the continuation of U.N. humanitarian programs. Finally, we will continue to explore with our allies and Security Council partners means to compel Iraq to cooperate on humanitarian and human rights issues.

Security Council Resolution 687 affirmed that Iraq is liable under international law for compensating the victims of its unlawful invasion and occupation of Kuwait. The U.N. Compensation Commission (UNCC) has received about 2.6 million claims worldwide, with an asserted value of approximately \$176 billion. The United States has submitted approximately 3300 claims, with an asserted value of about \$1.8 billion.

To date, the UNCC Governing Council has approved some 220,000 individual awards, worth about \$870 million. About 580 awards totaling almost \$11.7 million have been issued to U.S. claimants.

The UNCC has been able to pay only the first small awards for serious personal injury or death (\$2.7 million). Unfortunately, the remainder of the awards cannot be paid at this time, because the U.N. Compensation Fund lacks sufficient funding. The awards are supposed to be financed by a deduction from the proceeds of future Iraqi oil sales, once such sales are permitted to resume. However, Iraq's refusal to meet the Security Council's terms for a resumption of oil sales has left the UNCC without adequate financial resources to pay the awards. Iraq's intransigence means that the victims of its aggression remain uncompensated for their losses four years after the end of the Gulf War.

In sum, Iraq is still a threat to regional peace and security. Thus, I continue to be determined to see Iraq comply fully with all its obligations under the UNSC resolutions. I will oppose any relaxation of sanctions until Iraq demonstrates its overall compliance with the relevant resolutions.

As I have made clear before, Iraq may rejoin the community of civilized nations by adopting democratic processes, respecting human rights, treating its people equitably, and adhering to basic

norms of international behavior. The umbrella opposition organization Iraqi National Congress espouses these goals, the fulfillment of which would make Iraq a stabilizing force in the Gulf region.

I appreciate the support of the Congress for our efforts, and will continue to keep the Congress informed about this important issue.

Sincerely,

WILLIAM J. CLINTON.

